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RANCHI, Monday, 7th June, 2021

**DEPARTMENT OF SCHEDULED TRIBE, SCHEDULED CASTE, MINORITY
AND BACKWAD CLASS WELFARE**

NOTIFICATION

4th June, 2021.

No-1119-03/TAC-01/2021, Dated the 4th June, 2021-- In exercise of the powers conferred by Part B sub paragraph (3) of Paragraph 4 of the Fifth Schedule to the Constitution of India, the Governor of Jharkhand is pleased to make the following rules, namely:-

Jharkhand Tribes Advisory Council Rules, 2021

The Rules

1. Short title and commencement

- (i) These rules may be called the "Jharkhand Tribes Advisory Council Rules, 2021".
- (ii) They shall come into force on the date of their publication in the Jharkhand Gazette.

2. Definition

- (i) In these rules, unless the context otherwise requires:
 - (a) "Constitution" means the Constitution of India;

- (b) "Article" means an article of the Constitution of India;
- (c) "Assembly" means the Jharkhand State Legislative Assembly formed in accordance with the Constitution;
- (d) "Council" means the Tribes Advisory Council for Jharkhand established in pursuance of paragraph 4, of Part B of the Fifth Schedule to the Constitution;
- (e) "Scheduled Areas" means such areas within Jharkhand as are declared by the President of India to be Scheduled Areas under sub-paragraph (1) of paragraph 6 of Part C of the Fifth Schedule to the Constitution;
- (f) "Scheduled Tribes" means the tribes or tribal communities specified as Scheduled Tribes in relation to Jharkhand in the Constitution (Scheduled Tribes) Order, made by the President of India under clause (1) of Article 342 of the Constitution;
- (g) "Secretary" means the officer appointed as Principal Secretary / Secretary in-charge of Department of Scheduled Tribe, Scheduled Caste, Minority and Backward Class Welfare or includes any person for the time being exercising the function of the Secretary;
- (ii) Unless the context otherwise requires, the provisions of the General Clauses Act, 1897 (Central Act X of 1897) shall apply for the purpose of Definition of these rules to the extent they apply to the interpretation of a Central Act.

3. Composition of the Tribes Advisory Council

- (a) The Council established for the administration and control of Scheduled Areas in Jharkhand and Scheduled Tribes shall consist of a Chairman, Vice Chairman and eighteen other members.
- (b) The Chief Minister of the State Jharkhand shall be the Ex-officio Chairman and member of the Council. The Minister of Scheduled Tribes Welfare, shall be the Ex-officio Vice Chairman and member of the Council. In the absence of the Chairman, the Vice-Chairman shall preside over the meetings.
- (c) Out of the eighteen other members of the Council, fifteen shall be the representatives of the Scheduled Tribes in the State Assembly to be nominated by the Chief Minister.
- (d) Out of the remaining three members belonging to Scheduled Tribe as defined in rule 2(i)(f), having keen interest, special knowledge, and experience of Tribal Welfare & Development, of the Council shall be nominated by the Chief Minister.

4. Appointment of members of Council

The members of the Council shall consist of fifteen representatives of the Scheduled Tribes in the State Assembly and three other members having keen interest, special knowledge and experience of Tribal Welfare & Development who shall be appointed by the Chief Minister by notification in the Jharkhand State Gazette.

(i) Terms of office of members:

- a. The term of the Council shall ordinarily be five years.
- b. Every representative of the Scheduled Tribe in the State Assembly appointed

as a member of the Council shall hold office as such member so long as he/she is a member of the State Assembly.

- c. The tenure of three other members nominated and appointed by the Chief Minister shall be co-terminus with that of the Chief Minister.

5. Secretary of the Council

The Principal Secretary/Secretary in-charge of Scheduled Tribe, Scheduled Caste, Minority and Backward Class Welfare Department or any person for the time being shall exercise the functions of the Secretary to the Council.

6. Secretariat and appointment of personnel

There shall be a Secretariat based at the Dr. Ram Dayal Munda Tribal Welfare Research Institute, Morahabadi, Ranchi for the smooth and effective functioning of the Council. The appointment of an officer not below the rank of Joint Secretary and requisite personnel to the Council as may, from time to time, be determined by the State Government.

7. Matters on which advice of the council is to be sought

The Governor may require the advice of the Council on such matter pertaining to the welfare and development of the Scheduled Tribes in the State of Jharkhand.

8. Vacation of seats and filling of vacancies

(1) A member shall vacate her/his seat in the Council on the expiry of her/his term of office or earlier on death, physical or mental incapacity, resignation or removal for a cause sufficient in the opinion of the Chairman of the Council to justify such removal.

(2) Any vacancy occurring in the Council under sub-rule (1) shall be filled in as soon as may be by the Chief Minister in accordance with Rules 3 and 4.

9. Remuneration to Members

- (i) No member of the Council shall be entitled to get any remuneration for or in respect to any work done by her/him as such member.

10. Business of the Council

- (i) A list of business for the day shall be prepared by the Secretary of the Council under the direction of the Chairman and a copy thereof shall be made available for use of every member at least a week before the date of the meeting.
- (ii) The Secretary of the Council shall issue notice to each member for the date and place of meeting.
- (iii) Save as otherwise provided in these Rules no business not included in the list of business for the day shall be transacted at any meeting without the permission of the Chairman.

11. Meeting and Transaction of Business

- (i) The Council shall ordinarily meet bi-annually on such date and at such time and place as the Chairman may fix. However, extra-ordinary meetings of the Council may be convened by the Chairman whenever circumstances so

demand.

- (ii) Ordinarily, a notice of ten days for every meeting shall be given to the members of the Council. It shall specify the date, the time and place fixed for such meeting and the List of Business to be transacted thereat.
- (iii) The Council or its Chairman may require any officer/ officers of the State Government to be present at any of its meetings to advise the Council on technical matters which may be on the List of Business for that meeting.
- (iv) The presence of Seven members including the Chairman of the Council in a meeting of the Council shall form the quorum requisite for the transaction of its business.
- (v) All matters coming up for determination before a meeting of the Council shall be decided in accordance with the majority of votes of the members present at such a meeting and voting.
- (vi) All Resolutions resolved at the meeting of the Council shall be validated by an action taken report to be presented at the next meeting of the Council.
- (vii) The Council may with the approval of the Governor frame bye-laws, not inconsistent with these rules, regulating the transaction of its business.

12. Language in which the business of the Council to be conducted

Business in the Council shall be transacted in Hindi language.

13. Discussion in the Council

- (i) The Council shall discuss list of business of a meeting finalized by the Chairman and;
- (ii) The Council shall also discuss such matters which may be referred to it by the Governor for advice under rule 7.

14. Adjournment of meeting

Any meeting of the Council may be adjourned by the Chairman.

15. Arrangement of Business

The Chairman shall determine the order of business to be transacted at the meeting of the Council.

16. Member to rise when speaking

A member desirous to make any observation on any matter before the Council shall speak from her/his place, shall rise when she/he speaks and shall address the Chairman. At any time the Chairman rises, any member speaking shall resume her/his seat.

17. Explanations

When for the purpose of explanation during discussion or for any other sufficient reason, any member has occasion to ask a question on any matter than under consideration of the Council, she/he shall put the question to the Chairman.

18. Limitation on debate

- (i) The subject matter of every speech shall strictly be relevant to the matter before the Council.
- (ii) A member while speaking shall not

- a) refer to any matter of fact on which Judicial Decision is pending;
- b) make a personal charge against a member of the Council or of the Assembly of the State or the Parliament;
- c) use offensive languages;
- d) reflect upon the conduct of the President of India or the Governor of the State or any Court of Law in the exercise of its judicial function;
- e) utter unreasonable, seditious or defamatory words.

19. Motion

- (i) Any member who wishes to move a motion on any business to be brought before the Council shall give notice of his intention in writing to the Secretary of the Council three days before the meeting at which he intends to move the motion;

Provided, that the Chairman may allow a motion to be entered on the list of business of which shorter notice has been given.

- (ii) The Chairman may disallow any motion or part of a motion with valid reason thereof and if she/he does so, motion may not be placed on the list of business.

20. Power to order withdrawal of Member

- (i) The Chairman shall have all the powers necessary for the purpose of enforcing his decision on all points of order.
- (ii) The Chairman may direct any member whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the meeting of the Council and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the days of the meeting.

21. If the Chairman requires the Council to appoint any specialized committee to advise the Council on any Acts/ Regulations/ Proposed Bills and Regulations or any other matters, the Council shall forthwith comply with the request in the manner directed by the Chairman.

22. Report of the Committee

When the Council has appointed such a specialized committee to advise the Council on any Acts/ Regulations/ Proposed Bills and Regulations or any other matter, the Committee shall submit its report to the Chairman through the Secretary of the Council within the time fixed by the Chairman.

23. Report of the Proceedings of the meetings of the Council

- (i) The Secretary shall cause to be prepared a summary of the report of the proceedings of the Council at each of its meetings and submit it to the Chairman for his confirmation and signature. When the report of the proceedings signed by the Chairman, the copy shall constitute the authentic record of the proceedings of the Council.
- (ii) The Secretary shall send a copy of such report to each member of the Council and to the Principal Secretary to the Governor, the Principal Secretary to the Chief Minister and the Chief Secretary of the State Government.

- 24.** The decision of the Chairman as to the interpretation of these Rules shall be final.
- 25.** After the promulgation of this rule, the notified Bihar Tribes Advisory Council Rules, 1958 in undivided Bihar shall be deemed to be automatically ineffective for the State of Jharkhand.

By Order of the Governor,

Amitabh Kaushal,

Secretary to Government
